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IS IT PEACE?

BY F. W. REITZ, FORMERLY SECRETARY OF STATE IN THE LATE
SOUTH-AFRICAN REPUBLIC.

ON the 31st of May, 1902, at eleven o'clock at night, a document was signed at Pretoria, in the Transvaal, by Lords Kitchener and Milner, acting on behalf of the British Government on the one side, and by the members of the Governments and the Generals of the two Republics of South Africa, on the other.

This document, known as the "Articles of Peace," but which should more properly be named the "Articles of Surrender," sets forth that the Signatories, being desirous to terminate the present hostilities, agree on the following articles:

"1. The Burgher forces in the field will forthwith lay down their arms, handing over all guns, rifles and munitions of war in their possession or under their control, and desist from any further resistance to the authority of His Majesty King Edward VII., whom they recognize as their lawful Sovereign. The manner and details of this surrender will be arranged between Lord Kitchener and Commandant-General Botha, Assistant-Commandant-General De la Rey and Chief-Commandant De Wet.

"2. All Burghers in the field outside the limits of the Transvaal or Orange River Colony, and all prisoners of war at present outside South Africa who are Burghers, will, on duly declaring their acceptance of the position of subjects of His Majesty King Edward VII., be gradually brought back to their homes, as soon as transport can be provided and their means of subsistence insured.

"3. The Burghers so surrendering, or so returning, will not be deprived of their personal liberty or their property.

"4. No proceedings, civil or criminal, will be taken against any of the Burghers surrendering, or so returning, for any acts in connection with the prosecution of the war. The benefit of this clause will not extend to certain acts, contrary to usages of war, which have been notified by the Commander-in-Chief to the Boer Generals, and which shall be tried by Court-Martial immediately after the close of hostilities.

"5. The Dutch language will be taught in public schools in the Trans-

vaal and Orange River Colony where the parents of the children desire it, and will be allowed in Courts of law when necessary for the better and more effectual administration of justice.

"6. The possession of rifles will be allowed in the Transvaal and Orange River Colony to persons requiring them for their protection, on taking out a license according to law.

"7. Military administration in the Transvaal and Orange River Colony will, at the earliest possible date, be succeeded by Civil Government, and, as soon as circumstances permit, representative institutions leading up to self-government will be introduced.

"8. The question of granting franchise to the natives will not be decided until after the introduction of self-government.

"9. No special tax will be imposed on landed property in the Transvaal and Orange River Colony to defray the expenses of the war.

"10. As soon as conditions permit, a commission, on which the local inhabitants will be represented, will be appointed in each district of the Transvaal and Orange River Colony, under the Presidency of a Magistrate or other official, for the purpose of assisting the restoration of the people to their homes, and supplying those who, owing to war losses, are unable to provide themselves with food, shelter and the necessary amount of seed, stock, implements, etc., indispensable to the resumption of their normal occupations.

"His Majesty's Government will place at the disposal of these Commissions a sum of £3,000,000 for the above purposes, and will allow all notes issued under Law I. of 1900 of the South-African Republic, and all receipts given by officers in the field of the late Republics, or under their orders, to be presented to a Judicial Commission, which will be appointed by the Government, and if such notes and receipts are found by this Commission to have been duly issued in return for valuable considerations, they will be received by the first-named Commissions as evidence of war losses, suffered by the persons to whom they were originally given.

"In addition to the above-named free grant of £3,000,000, His Majesty's Government will be prepared to make advances on loans, for the same purposes, free of interest for two years, and afterwards repayable over a period of years with three per cent. interest. No foreigner or rebel will be entitled to the benefit of this clause."

Alongside of these articles there lay the following document presented by the British Representatives:

"Lord Milner to Chamberlain

"Parliamentary Paper, South Africa, Cd 1,096.

"After handing to Boer delegates a copy of draft agreement which His Majesty's Government are prepared to approve with a view of terminating the present hostilities, I read to them the following statement and gave them a copy:

“His Majesty's Government must place it on record that the treatment of Cape and Natal Colonists who have been in rebellion and who now surrender will, if they return to their Colonies, be determined by the Colonial Governments and in accordance with the laws of the Colonies, and that any British subjects who have joined the enemy will be liable to trial under the law of that part of the British Empire to which they belong.

“His Majesty's Government are informed by the Cape Government that the following are their views as to the terms which should be granted to British subjects of Cape Colony who are now in the field, or who have surrendered, or have been captured since 12th April, 1901:

“With regard to rank and file, they should all, upon surrender, after giving up their arms, sign a document before the Resident Magistrate of the district in which the surrender takes place, acknowledging themselves guilty of high-treason, and the punishment to be awarded to them, provided they shall not have been guilty of murder or other acts contrary to the usages of civilized warfare, should be that they shall not be entitled for life to be registered as voters or to vote at any Parliamentary, Divisional Council, or Municipal elections. With reference to Justices of the Peace and Field Cornets of Cape Colony and all other persons holding an official position under the Government of Cape Colony, or who may occupy the position of Commandant of rebel or burgher forces, they shall be tried for high-treason before the ordinary Court of the country or such Special Court as may be hereafter constituted by law, the punishment for their offence to be left to the discretion of such Court, with this proviso, that in no case shall penalty of death be inflicted.

“The Natal Government are of opinion that rebels should be dealt with according to the law of the Colony.”

In addition to this, both Lords Kitchener and Milner solemnly promised—and that promise had been conveyed by the Boer Generals to the sixty Delegates of the People assembled at Vereeniging on the Vaal—that, at the Coronation of King Edward VII., they would do their best to persuade the King to exercise his prerogative of Pardon, and grant a general Amnesty to the Cape Rebels.

Before signing the ten Articles, the Signatories on the part of the Republics handed in a Protest—for a Protest it was, to all intents and purposes—against this so-called Peace.

The British Ministry have carefully refrained from publishing this document, and their reason for so refraining is not far to seek.

This Protest runs as follows:

“This meeting of representatives of the People of the South-African

Republic and the Orange Free State, held at Vereeniging from the 15th of May, 1902, to the 31st of May, 1902, has learnt with regret of the proposal made by His Majesty's Government in regard to the cessation of existing hostilities, and of the intimation that this proposal must be accepted or rejected in an unaltered form.

"The meeting regrets that His Majesty's Government has absolutely refused to negotiate with the Governments of the Republics upon the basis of our independence, or to permit our Governments to enter into communication with our Deputation.

"Our peoples have indeed always thought that, not only on the ground of Right, but also on the ground of the great material and personal sacrifices that they have made for their Independence, they have a just claim to such Independence.

"This meeting has earnestly taken into consideration the condition of Land and People, and has more especially taken into account the following facts:

"1. That the Military tactics pursued by the British Military Authorities has led to the entire ruin of the territory of both the Republics, with burning of farms and towns, destruction of all means of subsistence and exhaustion of all sources necessary for the support of our families, for the maintenance of our forces in the field, and for the continuation of the war.

"2. That the placing of our captured families in the Concentration Camps has led to an unprecedented condition of suffering and disease, so that, within a comparatively short time, about 20,000 of those dear to us have perished there, and the horrible prospect has arisen that by continuing the war our entire race might be exterminated.

"3. That the Kaffir tribes within and without the borders of the territories of both Republics are almost all armed and take part in the struggle against us, and by perpetrating murders and committing all kinds of horrors, an impossible state of affairs has been brought about in many districts of both Republics—an instance of which took place lately in the district of Vryheid, where 56 Burghers were murdered and mutilated in a shocking manner, at the same time.

"4. That by Proclamations of the enemy, which he has already carried into effect, the Burghers still in the field are threatened with loss of all the movable and immovable property, and so with total ruin.

"5. That, through the circumstances of the war, it has already long ago become impossible for us to retain the many thousands of prisoners of war taken by our forces, and that we thus could do but comparatively little damage to the British troops, whilst our Burghers captured by the British are sent abroad, and that, after the war has raged for nearly three years, there remains only a small portion of the forces with which we entered into the war.

"6. That this remnant still in the field, which forms but a small minority of our entire people, has to contend against overwhelming odds, and, moreover, has reached a condition virtually amounting to famine and want of the necessary means of subsistence—and that, notwith-

standing our utmost endeavors and the sacrifice of all that we value and hold dear, we cannot reasonably expect a successful issue.

"This meeting is, therefore, of opinion that there is no reasonable ground for thinking that, by continuance of the war, our People will retain the possession of its Independence, and considers that, under the circumstances, the People are not justified in carrying on the war any longer, as that can alone tend to bring about the social and material destruction, not only of ourselves, but also of our descendants.

"Urged by the above-mentioned circumstances and motives, this meeting authorizes both Governments to accept the Proposal of His Majesty's Government, and on behalf of the People of both Republics to sign the same.

"This Meeting of Delegates expresses the confident hope that the conditions which have now been called into being by adopting the Proposal of His Majesty's Government, may soon be ameliorated in such a way that our Nation may thereby attain the enjoyment of those privileges to which it considers that, not only on account of its past, but also on the ground of its sacrifices in the course of this war, it can justly lay claim.

"This meeting has noted with satisfaction the resolution of His Majesty's Government to grant a large measure of amnesty to those British subjects who took up arms on our side, and to whom we are bound by the ties of blood and honor, and expresses the hope that it may please His Majesty to extend this amnesty still further."

If, with these documents and these facts before me, I am asked: Is it Peace? I distinctly and unreservedly would answer: No!

It may be the much vaunted "*Pax Britannica*," but it is not Peace in the ordinary and honest meaning of the word.

To use the words of Holy Writ reverently but secularly, it may be "a Peace that passeth all understanding," but it is not a Peace that should be regarded as a lasting one, or as one binding upon the consciences of those men who, to save the remnant of their wives and children, signed it—signed it, so to speak, with the knife at their throats.

The writer of this article desires to have it clearly understood that, in making this assertion, he is speaking neither for himself as one of the Signatories, nor for those of his nation who remain in South Africa as subjects of the British Crown.

He is not speaking for himself, because, before signing that document, he clearly intimated to Lord Kitchener in the presence of all who were sitting there, that he would only sign upon the clear understanding that it was in his representative, and not in his individual, capacity that he was signing; and Lord Kitchener unreservedly accepted that condition.

He is not speaking for his compatriots who may elect to remain in South Africa, and whose clear duty it is, so long as they are not unduly oppressed, to obey the laws of the government under which they live—"rendering unto Cæsar the things that are Cæsar's and unto God the things that are God's."

He is speaking as a lawyer of many years' standing, who knows that a contract made under compulsion is not a binding contract.

It may be urged that this principle is not recognized in International Law; but that immediately suggests the question, What is International Law; and is there such a thing after all?

This war in South Africa has, amongst other important things, proved to the world that, "Geneva Conventions" and "Hague Conferences" to the contrary notwithstanding, International Law has come to mean nothing more than the "Law of the Strongest."

Moreover, the Terms of Peace and the solemn and undeniable promise of the British Representatives as regards a general Amnesty to Cape Rebels have been deliberately and scandalously broken, while the ink was hardly dry on the paper on which they were written.

Therefore, even if upon moral and legal grounds those Peace Articles were binding (which they are not) when they were signed, I would still maintain that, the one party to the agreement having broken its promises, the other party is thereby released.

Is this Peace?

No, it is not. And what is taking place in South Africa to-day, under the pettifoggingly vindictive and malicious rule of the two men who were chiefly responsible for the war—the British Secretary of State for the Colonies and his satellite, Lord Milner—fully confirms me in this view.

F. W. REITZ.